



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1998

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2314

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118798.

The City of Houston Police Department received a request for a police report of an investigation of a disturbance. You indicate that the department will make available to the requestor the "Public Release Information" portion of the requested report. You seek to withhold the remainder of the requested information under Government Code section 552.108(a)(2).

Section 552.108 provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required disclosure] if:

....

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

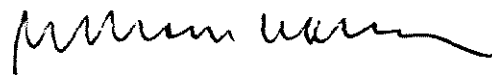
....

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You advise that the investigation of the case to which the requested report relates has concluded and that the Harris County District Attorney's Office has declined to bring charges in the matter. Thus, we find that, except for "front page" information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), you may withhold the requested report under section 552.108(a)(2). *See also* section 552.108(c), quoted *supra*.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 118798

Enclosures: Submitted documents

cc: Mr. Joel Mann
Mann Claim Service
P.O. Box 720636
Houston, Texas 77272-0636
(w/o enclosures)